IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION NO : 13254 of 2005

Between:

1. N.Yadagiri, s/o Maisaiah,
Aged about 42 years, r/o H.No.4-82,

Saroornagar, Hyderabad.
2. Smt.N.Neelaveni, w/o N.Yadagiri,
Aged about 34 years, r/o H.No.4-82,

Saroornagar, Hyderabad.

..... PETITIONERS

AND

1. The Station House Officer, Saroornagar P.S.,

Saroornagar, R.R.District.
2. P.Karunakar, s/o P.Ramachandraiah,
r/o H.No.3-56, Marripalli, Hayathnagar Mandal,

R.R.District.

3. The Superintendent of Police,

R.R.District at Hyderabad.

(R-3 is added with the permission of the Hon'ble

Court.)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the 1st respondent in calling the petitioners to the police station without registering any crime or case against the petitioners as illegal, null, void and arbitrary.

Counsel for the Petitioners: MR.K.DURGA PRASAD

Counsel for the Respondents1 and 3: GP FOR HOME

The Court, at the stage of admission, made the following:

ORDER:

This writ petition is filed alleging that the first respondent is calling the petitioners to the police station
everyday without registering any crime or case against them.

The first respondent has filed a counter affidavit stating that the second respondent has lodged a complaint alleging that he had entered into a partnership on
20-08-2001 for carrying on real estate business and that in the partnership, after retirement of some of the partners, the petitioners joined the partnership and are continuing the business. After sometime, differences cropped up between the petitioners and the second respondent who wanted to retire from the partnership and towards resolution of the said dispute and for retirement of the second respondent from the partnership, the petitioners agreed to pay some amount and issued cheques in favour of the second respondent, which were dishonoured. Each of the cheques having been dishonoured, the second respondent went to the petitioners' house on 05-06-2005, where he was threatened with dire consequences. On the basis of the aforesaid complaint of the second respondent, the first respondent states that the complaint had been registered in Cr.No.507 of 2005 on 12-06-2005 under Sections 420, 406 and 506 IPC. The other allegations that the petitioners are being called to the police station everyday for the past over one month is categorically and unequivocally

denied. In the light of the aforesaid averments in the counter affidavit, to which there is no demurral, no further proceedings are warranted.

Writ petition is dismissed at the admission stage.

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07-07-2005.

To

1. The Station House Officer, Saroornagar P.S.,

Saroornagar, R.R.District.
2. The Superintendent of Police,

R.R.District at Hyderabad.

3. The Government Pleader for Home, High Court Buildings, High Court of A.P., Hyderabad (O.U.T).

4. 2 CD copies.

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